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COMMITTEE ON THE RIGHTS OF THE CHILD

Sixteenth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Lao People's Democratic Republic

1. The Committee considered the initial report of Lao People's Democratic Republic (CRC/C/8/Add.32) at its 400th to 402nd meetings (see CRC/C/SR.400-402), held on 23 and 24 September 1997, and adopted* the following concluding observations:

A. Introduction

2. The Committee expresses its appreciation to the State party for its initial report and written answers to the list of issues (CRC/C/Q/LAO/1). The Committee also expresses its appreciation to the State party for sending a high-ranking and multidisciplinary delegation. The Committee is encouraged by the frank, self-critical and cooperative tone of the dialogue, during which the delegation of the State party indicated policy and programme directions and difficulties encountered with regard to the implementation of the provisions of the Convention. The Committee, however, notes with regret that the report did not always follow the guidelines, in particular in relation to the general principles, which are not mentioned, and did not provide statistical and disaggregated data and information on the concrete effects of measures adopted or on the implementation of the existing legislation, in particular in regard to the protection issues.

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* At the 426th meeting, held on 10 October 1997.

B. Positive aspects

3. The Committee takes note of the political will of the State party to promote and protect the rights of the child, and its efforts to develop and implement a socio-economic development programme for the year 2000. The Committee welcomes the efforts made by the State party in adopting its "Education For All" action plan, its efforts in the area of immunization, as well as combating iodine deficiency, and its project on mainstream education for disabled children.

4. The Committee also notes the establishment in 1992 of the National Commission for Mothers and Children and welcomes its reorganization in 1996 and the widening of its mandate to cover all aspects of the Convention, including protection and participation issues.

5. The Committee notes with appreciation the recent efforts of the State party to address the problem of Unexploded Ordnance (UXO) such as the establishment in 1995 of the UXO Trust Fund and the Laos National UXO Programme established under the Ministry of Labour and Social Welfare with support from the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF) and many donors.

6. The Committee welcomes the State party's seeking advice and technical assistance to ensure the full integration of the provisions of the Convention in its legislation, to establish a system of administration of juvenile justice, and to train professionals on the rights of the child.

C. Factors and difficulties impeding the implementation of the Convention

7. The Committee notes that the Lao People's Democratic Republic is among the least developed countries. The Committee also notes that the State party is in a phase of transition from a centrally planned to a market economy; this produces or aggravates social problems that have a negative impact on the situation of children.

D. Principal subjects of concern

8. The Committee is concerned that although a new Constitution was promulgated in 1991 and major pieces of legislation, such as the Family Law, the Penal Law, and the Labour Law, came into effect in 1990, the national legislation does not fully conform to the Convention.

9. The Committee is equally concerned that insufficient attention has been paid to the provisions of article 4 of the Convention concerning budgetary allocations to the maximum extent of available resources.

10. The Committee is concerned at the insufficient attention paid by the State party to systematic, comprehensive and disaggregated qualitative and quantitative data collection and to the identification of appropriate indicators and mechanisms to evaluate the progress and the impact of policies and measures adopted for all areas covered by the Convention, especially the

most hidden such as child abuse or ill-treatment, but also in relation to all groups of children including minority group children, girl children, children in rural areas, and children victims of sale, trafficking and prostitution.

11. The Committee is equally concerned at the insufficient attention paid by the authorities to the identification of monitoring mechanisms for all areas covered by the Convention and in relation to all groups of children.

12. While recognizing the efforts of the State party to disseminate the Convention, the Committee is of the view that the measures adopted to promote widespread awareness of the principles and provisions of the Convention for both adults and children, in particular for minorities and in rural areas, are insufficient. The Committee remains concerned at the lack of adequate and systematic training for professional groups working with and for children including judges, lawyers, law enforcement personnel, policy makers, lawmakers, government and military officials, community leaders, health professionals, teachers, social workers, and personnel working in child-care institutions.

13. The Committee is concerned at the lack of a legislative framework for the creation of national independent non-governmental organizations.

14. Of particular concern is the fact that the State party does not appear to have fully taken into account the provisions of the Convention, especially its general principles as contained in its articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the views of the child), in its legislation, its administrative and judicial decisions, and in its policies and programmes relevant to children.

15. As regards the implementation of article 2, the Committee is particularly concerned at the insufficiency of the measures adopted to ensure the full enjoyment by all children of the rights recognized in the Convention, in particular in relation to access to education and health services, and protection against exploitation. Of particular concern to the Committee are certain vulnerable groups of children, in particular girl children, children belonging to minorities, children living in rural and remote areas and children born out of wedlock.

16. The Committee expresses concern regarding the implementation of article 12 of the Convention, as children's participation is still low and they are traditionally represented by adults, and as the views of the child are not sufficiently taken into account, especially within the family, the school, and the care and justice systems.

17. The Committee is concerned at the lack of harmonization between the legal age for the end of compulsory education, which is 10, and the minimum legal age for employment, which is 15.

18. The Committee is concerned at the insufficiency of the measures adopted to discourage early marriage, which is a harmful traditional practice in certain communities.

19. In the light of article 7 of the Convention, the Committee is concerned that there are children who are not registered at birth.

20. The Committee is concerned at the lack of awareness and information on ill-treatment and abuse of children, including sexual abuse, both within and outside the family, and at the lack of appropriate measures and mechanisms to prevent and combat such abuse. The lack of special structures for children victims of abuses and their limited access to justice are also matters of concern, as is the lack of rehabilitation measures for such children. The persistence of corporal punishment within the family and its acceptance by the society is also a matter of concern.

21. The Committee is concerned at the lack of measures, including legal ones, to ensure that children maintain contact with both parents in case of divorce or separation, as well as at the absence of a mechanism to ensure the recovery of maintenance for the child.

22. The Committee is concerned that the provisions of the Family Law regarding adoption do not conform fully to article 21 of the Convention, or with the principle of the best interests of the child.

23. The Committee is concerned at the high maternal mortality rate, the high mortality and morbidity rates among children, the lack of access to prenatal and maternity care, and the generally limited access to public health care and to medicines, in particular in rural areas. The very high level of malnutrition is also a matter of concern. The Committee is also concerned at the high incidence of traffic accidents involving children and at the inadequacy of the efforts to raise awareness about HIV/AIDS in the communities and at school, in particular in the rural areas.

24. The Committee is concerned that the legislation does not specifically mention that primary education is free. It remains concerned at the low level of school enrolment and the high drop-out and repetition rates, the disparities between urban and rural areas and between ethnic groups in terms of enrolment and quality of education provided, the shortage of physical infrastructure, school materials and teachers, and the low qualifications of teachers, in particular in rural areas. The Committee is particularly concerned at the lack of vocational training opportunities, in particular in rural and remote areas.

25. The Committee is concerned by the shortage of physical and psychological rehabilitation programmes and services for unexploded ordnance victims. The problem of the toxic chemical contamination of soil and water, particularly in the six southern provinces, is also a matter of concern.

26. The Committee is concerned at the economic exploitation of children, including in the informal sector, particularly as domestic servants, in agriculture and in the family context.

27. The Committee is concerned by the increasing phenomenon of child prostitution and trafficking which affects boys as well as girls. It is worried about the insufficiency of measures to prevent and combat this phenomenon, and the lack of rehabilitation measures.

28. With regard to article 35 of the Convention, the Committee is also concerned at the inadequacy of the measures taken to address the situation of children affected by drugs and/or other substance abuse.

29. The situation in relation to the administration of juvenile justice, in particular its compatibility with articles 37, 39 and 40 of the Convention and other relevant standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, is a matter of concern to the Committee. In particular, the Committee is concerned at the lack of a legal framework for the administration of juvenile justice, the grounds for arrest and detention of children that can include prostitution, the absence of specialized judges, and the lack of social workers and qualified legal defenders.

E. Suggestions and recommendations

30. The Committee recommends that the State party initiate a comprehensive review of existing legislation with a view to undertaking adequate legislative reform to ensure full conformity of its legislation with all the provisions of the Convention, in particular its general principles (arts. 2, 3, 6 and 12). The Committee also suggests that the State party envisage the adoption of a specific code or legislation for children, with a separate section on children who need a special protection. International cooperation with, among others, the Office of the United Nations High Commissioner for Human Rights and the United Nations Children's Fund can be sought to this effect.

31. The Committee also suggests that the State party envisage acceding to other international human rights instruments, including the two International Covenants on Human Rights.

32. The Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention and to ensure judicious distribution of resources at the local and central levels. Budget allocations for the implementation of economic, social and cultural rights should be ensured to the maximum extent of available resources and, where needed, within the framework of international cooperation, as well as in the light of the principle of the best interests of the child (art. 3).

33. With a view to improving the general framework for the protection of children from all forms of abuse, neglect and exploitation, the Committee encourages the development of a social worker's system.

34. The Committee further recommends that the State party develop a comprehensive system of collecting disaggregated data in order to gather all necessary information on the situation of children in the various areas covered by the Convention, including on children belonging to the most vulnerable groups.

35. The Committee also suggests that a multidisciplinary monitoring system be established to assess progress achieved and difficulties encountered in the realization of the rights recognized by the Convention at the central and local levels, and in particular to monitor regularly the impact of economic change on children. The Committee suggests that the mandate of the National

Commission for Mothers and Children be strengthened in this regard. The Committee recommends that the State party also explore the possibility of an independent machinery for complaints, such as an ombudsperson. The Committee further stresses the need to strengthen the capacity of the National Commission for Mothers and Children in its role of coordinator, in particular between the central, provincial and local levels. The Committee encourages the State party to seek assistance from, among others, the United Nations Children's Fund (UNICEF) in this regard.

36. The Committee strongly encourages the State party to strengthen its efforts to make the provisions and principles of the Convention widely known by adults and children alike, in the light of article 42 of the Convention. It encourages the State party to further increase, through the print and electronic media, public awareness of the participatory rights of children, and to incorporate the Convention in the school curriculum. It also suggests that the State party develop appropriate oral or visual material to further spread knowledge of the Convention among the minorities. The Committee suggests that the State party seek assistance from, among others, UNICEF, in this regard.

37. The Committee recommends the development of adequate and systematic training for professional groups working with and for children, including judges, lawyers, law enforcement personnel, policy makers and lawmakers, government and military officials, community leaders, health professionals, teachers, social workers, personnel working in child-care institutions for children and police officers, and that children's rights be included in their training curricula. The Committee suggests that the State party seek assistance from, among others, the Office of the United Nations High Commissioner for Human Rights and UNICEF in this regard.

38. The Committee also recommends that a legislative framework be adopted in order to encourage the establishment of national non-governmental organizations.

39. It is the Committee's view that further efforts must be undertaken to ensure that the general principles of the Convention not only guide policy discussions and decision-making, but also are appropriately integrated into any judicial and administrative decisions and in the development and implementation of all projects, programmes and services which have an impact on children.

40. The Committee also emphasizes that the principle of non-discrimination, as provided under article 2 of the Convention, must be fully implemented. A more active approach should be taken to eliminate discrimination against certain groups, in particular girl children, children belonging to minorities and children born out of wedlock.

41. The Committee wishes to encourage the State party to further develop a systematic approach to increasing public awareness of the participatory rights of children in the light of article 12 of the Convention.

42. The Committee suggests that the State party adopt all appropriate measures, including awareness-raising among parents and communities, on the negative effects of early marriage on children.

43. In the light of article 7 of the Convention, the Committee recommends that the State party strengthen its efforts to raise awareness among community leaders and parents to ensure that all children are registered at birth.

44. In the light of article 19 of the Convention, the Committee further recommends that the State party take all appropriate measures, including revision of legislation, to prevent and combat ill-treatment within the family and sexual abuse of children. It suggests, inter alia, that the authorities initiate a comprehensive study on abuse, ill-treatment and domestic violence to improve the understanding of the nature and the scope of the problem, and set up social programmes to prevent all types of child abuses as well as to rehabilitate the child victims. Law enforcement should be strengthened with respect to such crimes; adequate procedures and mechanisms to deal with complaints of child abuse should be developed, such as multidisciplinary teams to handle cases, special rules of evidence, and special investigators or community focal points.

45. The Committee recommends that the State party take all appropriate measures, including legal ones, to ensure that children maintain contact with both parents in case of divorce or separation, as well as to ensure the recovery of maintenance for the child.

46. The Committee recommends that the legislation on adoption be brought into conformity with the provisions of article 21 and other related articles of the Convention. It further suggests that the State party ratify the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

47. The Committee suggests that the State party consider seeking further technical assistance to continue to strengthen its efforts to make primary health care accessible to all children, in particular at the district level. Concerted efforts are needed to combat malnutrition. The Committee further suggests that the State party promote adolescent health by strengthening reproductive health education and services to prevent and combat HIV/AIDS. The Committee also recommends that all appropriate measures be taken to prevent traffic accidents, such as teaching traffic rules at school.

48. In accordance with article 28 of the Convention, the Committee encourages the State party in its efforts to make free primary education available for all and to train teachers. It also encourages the State party to implement measures to improve school enrolment and pupil retention, especially of girls, children belonging to minorities and children living in rural areas. A system for the regular evaluation of the effectiveness of all educational measures taken, including those related to the quality of teaching, must be ensured. The State party may wish to consider requesting further international assistance for the implementation of the measures identified for the full implementation of article 28.

49. The Committee strongly encourages the State party to seek long-term external financial assistance in order to build national capacity with regard to Unexploded Ordnance (UXO), to establish a sustainable clearing process in each area, to provide continual community awareness programmes, through schools, pagodas and local organizations, and to develop rehabilitation programmes. The Committee also suggests that a study be undertaken on the effects on children of toxic chemical contamination of soils and water as a result of the armed conflict, and that studies on this matter undertaken in neighbouring countries be consulted.

50. The Committee recommends that further measures be taken to implement the provisions of article 32, and that efforts be made to prevent and combat economic exploitation of the child or the performing of any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. Particular attention should be paid to children working in the informal sector and with their families. The Committee further recommends that the State party harmonize the age of the end of compulsory education with the minimum age for work, by raising the former to 15. The Committee suggests that the State party consider ratifying ILO Convention No. 138 concerning the minimum age for employment. The Committee also suggests that the State party seek technical assistance from ILO in this area.

51. With regard to the increase in child prostitution and trafficking, the Committee recommends that measures be taken on an urgent basis, such as a comprehensive programme of prevention, including an awareness-raising and education campaign, in particular in the rural areas, and of rehabilitation of the victims. The State party is also invited to strengthen its efforts to control child pornography. Concerning the trafficking of boys and girls into neighbouring countries for work or prostitution, the Committee recommends that the State party strengthen its efforts to raise awareness in communities and establish vocational training for young people, in particular in rural areas. Cooperation with neighbouring countries is strongly encouraged.

52. The Committee recommends that the State party take all appropriate measures to prevent and combat drug and substance abuse among children, such as public information campaigns, including in schools. It also encourages the State party to support rehabilitation programmes dealing with children victim of drug and substance abuse. In this regard, the Committee encourages the State party to consider seeking technical assistance from competent international organizations, such as the World Health Organization (WHO).

53. The Committee recommends that legal reform in the field of administration of juvenile justice be pursued and take fully into account the Convention on the Rights of the Child, in particular articles 37, 39 and 40 as well as other relevant standards in this field such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be paid to the prevention of juvenile delinquency, the protection of the rights of children deprived of their liberty, respect for fundamental rights and legal safeguards in all aspects of the juvenile justice system and full independence and impartiality of the judiciary dealing with juveniles. The Committee also encourages the State party to explore alternatives to institutional care as

well as traditional mechanisms of conciliation, as long as the principles and guarantees of the Convention are respected. The Committee also recommends that the State party avails itself of the technical assistance programmes of the Office of the High Commissioner for Human Rights and the Crime Prevention and Criminal Justice Division of the United Nations.

54. In the light of the areas of concern identified by the Committee and the recommendation made, in particular in education, health and protection, the Committee suggests that the State party consider seeking further technical assistance from relevant international organizations.

55. Finally, in light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of these documents be undertaken, along with the relevant summary records and the concluding observations adopted thereon by the Committee following its consideration of the report. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the National Assembly and the general public, including concerned non-governmental organizations.